

REMARKS

Claims 1-16 are all the claims pending in the application. Claims 1-5, 7, 8, 10, 11, 15, and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,501,741 to Mikkonen et al. (hereinafter Mikkonen). Mikkonen is related to a method for supporting the quality of service in a packet data transmission between a wireless communication device 1 communicating with a radio network, and/or an information network LN and access controller 5 (see Abstract). *Solely* to advance prosecution, Applicants have amended the claims to include the feature of claim 2 of inserting an identifier field, which corresponds to the identification information, in a bit stream. The identifier field is inserted from a "bit stream identification layer." Accordingly, claims 2 and 4 have been canceled. Applicants reserve the right to prosecute broader claims in a continuation application.

The present invention is made to support the lack of standardization for delivering video applications using conventional wide band radio transmission methods. In particular, the H32* series of standards as well as the MPEG-4 standard are not efficiently supported by these conventional transmission methods.

As noted above, these three layer protocols are not efficient when supporting transmission of video applications, particularly where quality of service (QoS) is important. As such, the present invention includes a novel fourth layer - the "bit stream reconfiguration layer" for inserting an identifier field into the bit stream that indicates the type of video application being transmitted. Further, in the bit stream reconfiguration layer, a QoS parameter may also be inserted into the bit stream. In an exemplary embodiment, when this bit stream is received by a

component of the radio transmission “system”, an advantageous channel for transmission can be decided upon based on the required bit rate relating to the quality of video (to include the QoS parameter and the type of video application as deciding factors for this decision). As such, the protocol including a bit stream reconfiguration layer facilitates adaptation for insertion of parameters of the video, allowing a more efficient transmission over wide band radio.

Relating to this novel feature, the Examiner alleges that the step of inserting an identifier field is disclosed by the flow identifier transmitted in message 603 of Figure 6, and described from line 60 of column 10 through line 5 of column 11, and that the step (e) of inserting a quality of service field is disclosed in the QoS FLOW ACTIVATE message 603 of Figure 6. The Examiner further alleges that the limitation of a bit stream reconfiguration layer inserting an identifier field is disclosed by inserting an identifier field in the flow identifier transmitted in message 603 of Figure 6 and as described in line 60 of column 10 through line 5 of column 11 (see the 35 U.S.C. § 103(a) rejection of claim 13 on page 5 of the Office Action). Applicants respectfully traverse this argument.

First, Applicants submit that the Examiner’s rejection is improper since the Examiner is silent with respect to from which layer any potential identification information of the video application is determined, or from which layer channel characteristics are determined as recited in the independent claims. Nor, does the Examiner allege that these layers would have been known in the art. In fact, the Examiner’s first mention of any layers is in the 35 U.S.C. § 103(a) rejection of claim 13 in which the Examiner is required to use Applicants’ prior art in combination with Mikkonen for the rejection. The Examiner’s citation to the “link layer” in this rejection is also dubious. The Examiner states that “Mikkonen discloses the limitation of the link

layer deciding on a quality of service based on the channel characteristics and the decoding state ...” citing column 11, line 65 - column 12, line 5. Applicants note that while a detection of quality of service is suggested in this citation, there is no disclosure of a layer from which this decision is made. As such, Applicants respectfully remind the Examiner that each and every element of the claim must be disclosed in the art in order for a proper 35 U.S.C. § 102(e) rejection. The Examiner is kindly requested, should a Notice of Allowance not be forthcoming, to issue a non-final Office Action based on this deficiency.

Next, as noted above, the Examiner further alleges that the limitation of a bit stream reconfiguration layer inserting an identifier field is disclosed by inserting an identifier field in the flow identifier transmitted in message 603 of Figure 6, and as described in line 60 of column 10 through line 5 of column 11. As discussed above, Mikkonen does not specifically describe any layers, and actually teaches away from the suggestion of such a non-conventional protocol that would include a bit stream reconfiguration layer. That is, Mikkonen discloses that all data transmissions are based on packets that are routed according to Internet protocol (see column 10, lines 43-44). Further, the formation of packets is disclosed as “prior art” (see col. 10, lines 35-40). Applicants submit that these conventional methods would not be suggestive of the “four-layer” protocol of the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/702,736

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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